

RECREATIONAL THERAPY PRACTICE ACT

58-40-1. Title of act.

This chapter is known as the "Recreational Therapy Practice Act."

58-40-2. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Approved," when used to refer to a course of education, training, experience, examination, or other licensing requirement, means with approval by the division in collaboration with the board.
- (2) "Board" means the Board of Recreational Therapy.
- (3) "Practice recreational therapy" means to engage in the paid performance of services directing, initiating, or prescribing procedures and activities according to a treatment plan to improve, maintain, prevent, or retard the development of emotional, social, intellectual, or physical pathology in others by utilizing sports, games, or other recreational or leisure activities.
- (4) "Treatment plan" means a written record containing the information required by Section 58-40-7, which is composed for each patient by a person licensed under this chapter.
- (5) "Unlawful conduct" as defined in Section 58-1-501 includes the following conduct by any individual who is not licensed under this chapter:
 - (a) advertising or representing himself as being able to teach or conduct a recreational therapy program; or
 - (b) using in connection with his name the initials MTRS, TRS, or TRT, or any term, title, abbreviation, sign, or device relating to the practice of recreational therapy or the licenses under this chapter.
- (6) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes:
 - (a) failing to supervise a therapeutic recreational technician when required to do so;
 - (b) failing to keep or maintain a recreational therapy treatment plan;
 - (c) making sexual advances to a patient or requesting of a patient sexual favors, sexual intercourse, or other verbal or physical conduct of a sexual nature;
 - (d) possessing or using illegal or unprescribed prescription drugs or medications;
 - (e) using or being under the influence of intoxicating beverages while performing recreational therapy; or
 - (f) violating Sections 58-40-6 through 58-40-7.

58-40-3. License classifications.

The division shall issue a license to each individual qualified in one of the following classifications:

- (1) master therapeutic recreational specialist;
- (2) therapeutic recreational specialist; or
- (3) therapeutic recreational technician.

58-40-4. Board composition - Duties - Responsibilities.

- (1) There is created a Board of Recreational Therapy. It shall be appointed in accordance with Section 58-1-201.
- (2) The board shall consist of two master therapeutic recreational specialists, one therapeutic recreational specialist, one therapeutic recreational

technician, and one member appointed from the general public.

- (3) The board's duties, functions, and responsibilities shall comply with Sections 58-1-202 through 58-1-203.

58-40-5. License requirements.

- (1) The division shall issue a license to practice as a master therapeutic recreational specialist to any applicant who:
 - (a) (i) has completed an approved master's degree in recreational therapy or a master's degree with an approved emphasis in recreational therapy; and
 - (ii) has completed two years of full-time paid experience as a licensed therapeutic recreational specialist or approved equivalent experience;
 - (b) is of good moral character;
 - (c) submits an application;
 - (d) pays the required fee; and
 - (e) passes an approved examination.
- (2) The division shall issue a license to practice as a therapeutic recreational specialist to any applicant who:
 - (a) has completed an approved bachelor's degree in recreational therapy, a bachelor's degree with an approved emphasis in recreational therapy, or a bachelor's degree with approved additional course work in recreational therapy after graduation;
 - (b) has completed an approved practicum;
 - (c) is of good moral character;
 - (d) submits an application;
 - (e) pays the required fee; and
 - (f) passes an approved examination.
- (3) The division shall issue a license to practice as a therapeutic recreational technician to any applicant who:
 - (a) has completed an approved training program supervised by a licensed master therapeutic recreational specialist;
 - (b) is of good moral character;
 - (c) submits an application;
 - (d) pays the required fee; and
 - (e) passes an approved examination.

58-40-6. Scope of practice.

- (1) A master therapeutic recreational specialist may:
 - (a) practice recreational therapy as an unsupervised, independent, or private practice consultant able to contract with or be employed by others; and
 - (b) supervise and train other licensees under this chapter.
- (2) A therapeutic recreational specialist may:
 - (a) practice recreational therapy as the employee of a hospital, clinic, agency, or other facility; and
 - (b) supervise therapeutic recreational technicians.
- (3) (a) A therapeutic recreational technician may practice recreational therapy only under the supervision of a master therapeutic recreational specialist or a therapeutic recreational specialist employed in the same hospital, clinic, agency, or other facility.
- (b) A therapeutic recreational technician may prescribe or modify a treatment plan only under the supervision of either a master therapeutic recreational specialist or a therapeutic recreational specialist or under consultation of a master therapeutic recreational specialist.

58-40-7. Recreational therapy treatment plans.

Each licensee under this chapter shall keep a recreational therapy treatment plan for each patient. The plan shall include:

- (1) an assessment;
- (2) prescribed procedures, approaches, and recommended activities;
- (3) measurable treatment objectives; and
- (4) evaluations of progress and treatment.

58-40-8. Grounds for denial of license and disciplinary proceedings.

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

58-40-9. Repealed.

58-40-10. Repealed.

58-40-11. Term of license - Expiration - Renewal.

- (1) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

58-40-12. Exemptions.

In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in the practice of recreational therapy subject to the stated circumstances and limitations without being licensed under this chapter:

- (1) any individual performing volunteer work without compensation; and
- (2) any employee, agent, or representative of the United States government while engaged in the performance of authorized duties or functions.

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